

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BEVERLY BIGGS-LEAVY,

Plaintiff,

v.

Case No. 23-12123

LADEL LEWIS,

Sean F. Cox

United States District Court Judge

Defendant.

_____ /

ORDER TO SHOW CAUSE

On November 13, 2023, Defendant filed a Motion to Dismiss. (ECF No. 11).

In an Order issued on November 15, 2023, this Court advised Plaintiff of the motion and explained that “Plaintiff is presented with a choice of how to proceed, given that a Motion to Dismiss has been filed. Within twenty one days of today’s date, Plaintiff may either: 1) file an amended complaint, in which case this Court will deny without prejudice the currently pending Motion to Dismiss as moot; OR 2) file a response to the pending Motion to Dismiss, and the Court will decide the motion based upon the existing complaint.” (ECF No. 12).

Although twenty one days have passed since the Court issued that Order, Plaintiff did not file an amended complaint and also has not filed any response to the pending motion.

Accordingly, the Court **ORDERS** Plaintiff to **SHOW CAUSE, in writing, no later than December 26, 2023**, why the unopposed Motion to Dismiss should not be granted. Plaintiff is cautioned that failure to file a timely response to this Order may be construed as abandonment of the remaining claims asserted in this action and may result in this case being dismissed for failure to prosecute. *See Atwater v. Bank of New York Mellon Trust Co., N.A.*, 586 F. App’x 222

(6th Cir. 2014).

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: December 18, 2023